

on to assert that one of ordinary skill in the art would have been motivated to combine the monitoring photodiode of Kamibayashi with Tajiri to achieve applicants' invention. Applicants respectfully disagree.

As stated in applicants' previous response, and contrary to the Examiner's assertion, Tajiri does disclose a PIN-type monitoring photodiode 3a (see Fig. 4). However the monitoring photodiode 3a is not formed on a second mount surface as recited in claim 1, but is instead mounted on the submount (heat sink) 3 on which the laser diode 4 is also mounted (col. 12, lines 11-12).

Furthermore, reference numeral 5 of Tajiri identifies a "photodetector for signal detection ... [which] detects a return beam (reflected light) returning from a reflection type optical recording medium." Col. 12, lines 4-6 and 25-27. This photodetector serves a distinct purpose that is separate from the purpose of the monitoring photodiode 3a and cannot be replaced by a monitoring photodiode without changing the entire structure and function taught by Tajiri.

Accordingly, one of ordinary skill in the art would not have been motivated to replace the photodetector 5 of Tajiri with the monitoring photodiode of Kamibayashi because Tajiri already has a monitoring photodiode 3a and teaches locating this monitoring photodiode 3a on the same submount 3 as the laser diode 4. Additionally, there is no motivation in either reference to move the monitoring photodiode 3a of Tajiri to a different mount surface, nor has the Examiner asserted that such a motivation exists.

Consequently, claim 1 is allowable over the combination of Tajiri and Kamibayashi. Claims 4-8, 13 and 14 depend from allowable claim 1 and are therefore allowable due at least to their respective dependencies.

The remaining claims, claims 2, 3, 6, 7 and 10-12 stand variously rejected under 35 USC 103(a) on Tajiri in view of Kamibayashi and Wang (U.S. Patent No. 6,574,254), Shiimoto (U.S. Patent No. 6,456,635), Deacon (U.S. Patent Publication No. 2003/0210718) and Yoshida (U.S. Patent No. 5,359,619). Applicants respectfully traverse these rejections.

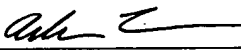
None of the additional references overcome the deficiencies of Tajiri and Kamibayashi with respect to the "monitoring photodiode mounted on the second mount surface of the substrate and having a light-receiving surface which receives light emitted from the light emission point, and a relay electrode connected to the electrode of the laser diode by a metal wire" as recited in claim 1, nor has the Examiner cited additional the references as disclosing or suggesting such features. Accordingly, claims 2, 3, 6, 7 and 10-12, which depend from allowable claim 1, are also allowable due at least to their respective dependencies.

Applicants respectfully solicit an early action allowing the claims.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicants petition for any required relief, including extensions of time, and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. **204552030600**.

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